

## **REMARKS**

Claims 17-26, 37 and 38 are all the claims pending in the application.

### **I. Claim Rejections under 35 U.S.C. § 103**

A. Claims 17, 19, 20, 22, 24 and 25 have been rejected under 35 U.S.C. 103(a) as being obvious over Marchant (US 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264).

Claim 17, as amended, recites the feature of performing detection of erasure by decoding error correction codes comprised in sub data. Applicants respectfully submit that the combination of Marchant, Nakamura, and Kobayashi does not teach or suggest at least this feature of claim 17.

Regarding Marchant, Applicants note that this reference performs detection of erasure by scratch detection fields (see Figs. 5-7 and col. 6, lines 28-56). Thus, while Marchant performs detection of erasure by scratch detection fields, Applicants submit that Marchant does not perform detection of erasure by decoding error correction codes comprised in sub data, as set forth in amended claim 17.

Further, Applicants submit that Nakamura and Kobayashi do not cure the above-noted deficiency of Marchant. Also, Applicants submit that it would not have been obvious to modify Marchant, based on the disclosure in Nakamura and Kobayashi, so as to provide the above-noted feature recited in amended claim 17.

In view of the foregoing, Applicants respectfully submit that amended claim 17 is patentable over the combination of Marchant, Nakamura, and Kobayashi, an indication of which is kindly requested.

Regarding claims 19, 22 and 24, Applicants note that each of these claims has been amended to recite the feature of performing detection of erasure by decoding error correction codes comprised in sub data.

For at least similar reasons as discussed above with respect to claim 17, Applicants respectfully submit that Marchant, Nakamura, and Kobayashi do not teach, suggest or otherwise render obvious the above-noted feature recited in claims 19, 22 and 24. Accordingly, Applicants respectfully submit that claims 19, 22 and 24 are patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 20 and 25, Applicants note that claim 20 depends from claim 19 and that claim 25 depends from claim 24. Accordingly, Applicants submit that claims 20 and 25 are patentable at least by virtue of their dependency.

B. Claims 18, 23, 37 and 38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Marchant (US 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264), and further in view of Shutoku et al. (US 7,089,401).

Regarding claims 18, 23, 37 and 38, Applicants note that each of these claims has also been amended to recite the feature of performing detection of erasure by decoding error correction codes comprised in sub data.

For at least similar reasons as discussed above with respect to claim 17, Applicants respectfully submit that Marchant, Nakamura, and Kobayashi do not teach, suggest or otherwise render obvious such a feature. Further, Applicants respectfully submit that Shutoku does not cure the above-noted deficiencies of Marchant, Nakamura, and Kobayashi.

Accordingly, Applicants respectfully submit that claims 18, 23, 37 and 38 are patentable over the cited prior art, an indication of which is kindly requested.

C. Claims 21 and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Marchant (US 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264), and further in view of Eachus (US 3,685,016).

Claim 21 depends from claim 19, and claim 26 depends from claim 24. Applicants respectfully submit that Eachus does not cure the above-noted deficiencies of Marchant, Nakamura, and Kobayashi, with respect to claims 19 and 24. Accordingly, Applicants submit that claims 21 and 26 are patentable at least by virtue of their dependency.

## II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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